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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,851	10/17/2003	Susan B. Cirulli	END920030048US1	9562
23550 7590 08/15/2008 HOFFMAN WARNICK LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207				
EXAMINER				
POND, ROBERT M				
ART UNIT		PAPER NUMBER		
3625				
NOTIFICATION DATE		DELIVERY MODE		
08/15/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary

Application No.

10/687,851

Applicant(s)

CIRULLI ET AL.

Examiner

Robert M. Pond

Art Unit

3625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE (6/11/08).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 June 2008 has been entered.

Response to Amendment

Applicants amended independent claims 1 and 4. Claims 10-31 were canceled. All pending claims 1-9 were examined in this non-final office action following a request for continued examination.

Response to Arguments

Applicant's arguments, see Remarks, filed 11 June 2008, with respect to the rejection(s) of claim(s) 1-8 under 35 USC 102 and claim 9 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Okada alone or in combination with Inoue as supported by obviousness rationale in view of the Supreme Court decision *KSR*

International Co. v. Teleflex Inc. Regarding claim 1 amendment, please see new grounds of rejection in light of KSR rationale. Inoue's purchase management system provides pathways to subsequent approvers. Regarding claim 9, Okada teaches this feature.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-3 and 5-9 are rejected under 35 USC 103(a) as being unpatentable over Okada (US 6,910,018).

Okada teaches a purchase request approval system, method, and computer program product (see at least abstract; Fig. 1; Figs. 2-4; col. 1, line 5-col. 2, line14). Okada further teaches:

- Regarding claim 1. logging an approver into an application used to make item requests; approver logs into application used to make items to approve item requests (see at least Fig. 9; col. 4, lines 40-64; col. 10, lines 43-57; col. 10, line 52-col. 11, line 3; col. 19, lines 47-54).
- Regarding claim 1. Okada teaches all the above as noted under the 103(a) rejection and teaches displaying a view containing a set of item requests to the approver by one of a plurality of requesters (see at least Fig. 24; Fig. 25; col. 19, line 54-col. 20, line 8; col. 20, line 8-27. It would

have been obvious to try, by one of ordinary skill in the art at time the invention was made, to incorporate into a view the set of item requests including a plurality of item requests from a plurality of requesters and incorporate it into the system of Okada since there are a finite number of identified, predictable potential solutions to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

- Regarding claim 1. receiving an approval determination for at least one of the set of item requests from the approver; (see at least Fig. 8; Figs 25 & 26; col. 20, line 9-col. 21, line 21).
- Regarding claim 1. Okada teaches and suggests all the above as noted under the 103(a) rejection and teaches i) viewing one or more items from a requester and simultaneously approving the one or more items in a view (see at least Fig. 25; col. 20, line 8-27, ii) and updating an approver list corresponding to the at least one of the set of item requests based on the approval determination, list updated (see at least col. 20, lines 28-54). Okada further teaches and suggests viewing a plurality of items from a plurality of requesters in a view as noted above under the 103(a) rejection. It would have been obvious to try, by one of ordinary skill in the art at time the invention was made, to permit from the approver simultaneous

approval to the plurality of items in a view and incorporate it into the system of Okada since there are a finite number of identified, predictable potential solutions to the recognized need and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Okada further teaches and suggests:

- Regarding claim 2. receiving comments from the approver based on the approval determination. Comments based on approval determination (see at least Fig. 8 ("A reply for purchase-requested article").
- Regarding claim 3. displaying an informational message to the approver, prior to receiving the approval determination. Comments sent by requester (see at least Fig. 7 ("Please approve purchase request").
- Regarding claim 5. verifying an authorization of the approver to make the approval determination. System determines requester vs. approver as noted above (see at least col. 4, lines 40-64)
- Regarding claim 6. communicating a result message to a requestor based on the approval determination. Approval or rejection message is sent by approval system as noted above pertaining to Fig. 7 & 8.

- Regarding claim 7. updating an approval status corresponding to the at least one item request, wherein the approval status is selected from the group consisting of approved, rejected and pending. “wait for approval”, approved, rejected (see at least col. 12; lines 54-60; col. 20, lines 26-27, 48).
- Regarding claim 8. wherein the approval determination is selected from the group consisting of approved and rejected. As noted above.
- Regarding claim 9. lists status of a requests (e.g. registered, waiting for approval, approved, rejection). See at least col. 12, lines 40-60. Note interpretation: displaying a list of approvers having approved requests and approvers who have yet to approve any requests.
- shopping cart. (see at least Fig. 13; Fig. 17; col. 11, lines 54-63).

2. Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Okada (US 6,910,018) in view of Inoue (US 2002/0059122).

Okada teaches all the above as noted under the 103(a) rejection and teaches approvers assigned to requesters and further teaches aspects of claim 4:

i) communicating an approval message to the approver prior to the logging step, wherein the approval message informs the approver of the at least one item request requiring approval; after approver logs into the system the system displays a list of pending requests as noted above (see at least Fig. 24) (note interpretation: approval message is available prior to logging into the system) and

ii) using e-mail communications between approver and requestor. Although Okada does not mention automatically determining the approver and a subsequent approver based on an item in the item request, and forwarding the approval message to a subsequent approver in the approver list after the updating step, Inoue teaches a system for purchase management that determines, based on the item, the approval path (also referred to as layers) comprising one or more approvers. See at least abstract; 0038; 0059- 0061. One of ordinary skill in the art at time the invention was made would have recognized that applying the known techniques of Inoue to support multiple business layers of approval as determined by the item would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the techniques of Inoue to the teachings of Okada using e-mail communications to approvers would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such data processing features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. vs. Teleflex Inc.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/
Primary Examiner, Art Unit 3625
August 11, 2008